

ORDER NO. 51

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Dan G. Blair, Chairman;  
Mark Action, Vice Chairman;  
Ruth Y. Goldway; and  
Tony L. Hammond

Rate and Service Changes to Implement  
Functionally Equivalent Negotiated Service  
Agreement With The Bradford Group

Docket No. MC2007-4

ORDER ESTABLISHING PROCEDURAL SCHEDULE

(Issued December 21, 2007)

In the initial procedural scheduling order in this case, the Commission set September 28, 2007 as the deadline for participants to request a hearing or request oral cross-examination of a witness in this proceeding.<sup>1</sup> On September 28, 2007, the officer of the Commission representing the interests of the general public (Public Representative) filed a contingent request for a hearing pending receipt of clarifying information through follow-up interrogatories.<sup>2</sup> No other participants filed a request for a hearing.

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<sup>1</sup> PRC Order No. 32, September 7, 2007.

<sup>2</sup> Office of the Consumer Advocate Contingent Request for Hearing, September 28, 2007.

The Public Representative's last follow-up interrogatory was answered on December 10, 2007.<sup>3</sup> On December 20, 2007, the Public Representative filed a motion to establish a procedural schedule stating that it does not request oral cross-examination in this case and that it will not be filing a case-in-chief.<sup>4</sup> Because no participant currently seeks a hearing, there will not be a hearing in this case.

*Procedural schedule.* In its Motion, the Public Representative suggests January 16, 2008 as the deadline for filing initial briefs and January 30, 2008 as the deadline for filing reply briefs. The Motion also represents that the co-proponents agree with the above proposed timeframe. *Id.* at 1. The Commission adopts the suggested briefing schedule.

The Commission establishes January 3, 2008 as the deadline for participants to designate written cross-examination. The Commission sets January 7, 2008 as the deadline for the co-proponents to file written copies of each witness's testimony, including signed declarations attesting to the continued truth and accuracy of that testimony. The co-proponents should also file declarations from each witness attesting to their response to designated written cross-examination by January 7, 2008. Detailed notices of opposition to any of the designated material are to be filed by January 9, 2008. The evidentiary record will close on January 11, 2008.

*Additional matter.* There is a joint motion pending before the Commission to withdraw a previously filed motion for protective conditions.<sup>5</sup> The responses to the interrogatories subject to that previously filed motion were ultimately filed publicly.<sup>6</sup> The motion to withdraw is granted.

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<sup>3</sup> Response of Postal Service Witness Parr to Interrogatory of the Office of the Consumer Advocate (OCA/USPS-T1-43), December 10, 2007.

<sup>4</sup> Office of the Consumer Advocate Motion to Establish Procedural Schedule, December 20, 2007 (Motion).

<sup>5</sup> Joint Motion of The Bradford Group and United States Postal Service to Withdraw Motion for Protective Conditions in Response to Commission Order No. 44 (OCA/USPS-T1-19(c), 20, 21(c), 21(f), 21(l), and 22), November 16, 2007.

<sup>6</sup> Revised Responses of Postal Service Witness Parr to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T1-19(c), 20, 21(c), 21(f), 21(i), and 22), November 16, 2007.

*It is ordered:*

1. The Office of the Consumer Advocate Motion to Establish Procedural Schedule, filed December 20, 2007, is granted.
2. The deadline for designating written cross-examination is January 3, 2008.
3. Written copies of each witness's testimony and related signed declarations (including declarations from each witness attesting to the truth and accuracy of the designated written cross-examination) shall be filed by January 7, 2008.
4. The deadline for filing notice of opposition to designated material is January 9, 2008.
5. The evidentiary record closes on January 11, 2008.
6. The deadline for filing initial briefs is January 16, 2008.
7. The deadline for filing reply briefs is January 30, 2008.

8. The Joint Motion of the Bradford Group and United States Postal Service to Withdraw Motion for Protective Conditions in Response to Commission Order No. 44 (OCA/USPS-T1-19(c), 20, 21(c), 21(f), 21(l), and 22), filed November 16, 2007, is granted.

By the Commission.

Steven Williams  
Secretary